UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

UNITED STATES	§	
	§	
v.	§	CAUSE NO. EP-10-CR-1165-KC
	§	
OMAR ETAYEM RIVERA	§	

AGREED ORDER AMENDING JUDGMENT

The Court considers this case pursuant to its authority under 18 U.S.C. § 3582(c)(2) and

Federal Rule of Criminal Procedure 43(b)(4). In Amendment 782 to the Sentencing Guidelines,

effective November 1, 2014, the U.S. Sentencing Commission lowered the penalties for most drug

offenses by reducing most offense levels on the § 2D1.1 Drug Quantity Table by two levels. In

Amendment 788 to the Sentencing Guidelines, the U.S. Sentencing Commission decreed that

Amendment 782 may be applied retroactively to lower the sentences of previously sentenced

inmates provided that the effective date of the court's order is November 1, 2015, or later. See,

U.S.S.G. 1B1.10, amended 788.

The parties agree that a reduction from the Defendant's current sentence of **100** months is

appropriate in this case. The Court having considered the guidelines, and pursuant to the

Sentencing Reform Act, the guideline policy statements, and 18 U.S.C. § 3553(a), concurs with

the parties. Based on the amended guideline and the reasons previously set forth in the Statement

of Reasons included in the judgment and commitment order in this case, the Court finds that an

amended sentence of **84** months or time served, whichever is later, is appropriate in this case. The

Court finds that this sentence is sufficient, but not greater than necessary in light of the sentencing

objectives in §3553(a)(2).

The Court hereby **ORDERS** as follows:

(1)   Defendant's sentence is reduced to 84 months or time served, whichever is later;

(2)   All other terms and provisions of the original judgment remain in effect.

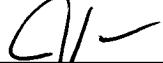A copy of this agreed order shall be transmitted to the Bureau of Prisons.

ORDERED on this the 7th day of May, 2015.

EFFECTIVE DATE: November 2. 2015.

_____
KATHLEEN CARDONE
UNITED STATES DISTRICT JUDGE

AGREED:

_____   _____
JOHN GIBSON   MARIE ROMERO-MARTINEZ
ASSISTANT UNITED STATES ATTORNEY   ASSISTANT FEDERAL PUBLIC DEFENDER